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UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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XL SPECIALTY INSURANCE COMPANY,	:
	:
Plaintiff,	:
	:
v.	:
	:
JOHN D. AGOGLIA, PHILLIP R. BENNETT,	:
LEO R. BREITMAN, EDWIN L. COX,	:
SUKHMEET DHILLON, THOMAS H.	:
DITTMER, NATHAN GANTCHER, STEPHEN	:
GRADY, TONE GRANT, THOMAS HACKL,	:
DAVID V. HARKINS, SCOTT L. JAECKEL,	:
DENNIS A. KLEJNA, THOMAS H. LEE,	:
ERIC G. LIPOFF, SANTO C. MAGGIO,	:
PETER MCCARTHY, JOSEPH MURPHY,	:
FRANK MUTTERER, RONALD L. O'KELLEY,	:
RICHARD N. OUTRIDGE, SCOTT A.	:
SCHOEN, WILLIAM M. SEXTON, GERALD	:
SHERER, PHILIP SILVERMAN, AND	:
ROBERT C. TROSTEN,	:
	:
Defendants.	:
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No. 08-CV-3821(GEL)

Electronically Filed

**NOTICE OF MOTION OF PLAINTIFF, XL
SPECIALTY INSURANCE CO., FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE, that upon the Affidavit of James Sandnes, sworn to
July 11, 2008, the Declaration of Henry Toolan, sworn to July 10, 2008, the statement of

undisputed facts, the accompanying Memorandum of Law of Plaintiff XL Specialty Insurance Company and all prior pleadings and proceedings in this matter, Plaintiff XL Specialty Insurance Company (“XL”) will move this Court, before the Honorable Gerard E. Lynch, U.S.D.J., at a time calculated in accordance with the Rules and the July 2, 2008 scheduling order of this Court, for an order, pursuant to Fed. R. Civ. P. 56, granting summary judgment to XL on its complaint in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s July 2, 2008 Order, responses to XL’s summary judgment motion (if any) shall be filed by August 8, 2008 and XL’s reply shall be filed by August 15, 2008.

Dated: New York, New York
July 11, 2008

Respectfully submitted,

BOUNDAS, SKARZYNSKI, WALSH
& BLACK, LLC

By: /s James Sandnes
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